	OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: November 2, 2012	Subject: Corrective Action Notifications and Required Actions for Part 115		Category: <input checked="" type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input type="checkbox"/> External/Interpretive
Revised Date:	Program Name: OWMRP- Solid Waste Technical Support		
Reformatted Date:	Number: OWMRP-115-31	Page: 1 of 5	

A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.

INTRODUCTION, PURPOSE, OR ISSUE:

The actions that should be taken and who should be notified when corrective action is required for a Type II or Type III landfill. All rules referenced are to Part 115 Rules, unless noted otherwise. See attached flow charts for additional clarification.

AUTHORITY:

Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

POLICY:

Part 115 Rules require certain actions be taken by staff in order to evaluate compliance with corrective action notifications. The following procedures allow staff to meet those deadlines.

PROCEDURE for Type II Landfills:

Who	Does What
District Staff (Staff)	1. District receives groundwater data indicating a statistical exceedance and enters this information in the Waste Data System database. [Rule 440(8)]
Staff	2. Facility fails to place a notice in the operating record and/or has failed to notify the Director within 14 days from the determination of a statistical exceedance. [Rule 440(8)] District sends Violation Notice**

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Who	Does What
Staff	<p>3. Facility fails to submit an assessment-monitoring plan that is in compliance with Rule 441 and/or a response action plan that is in compliance with Rule 442 within 45 days from the determination of a statistical exceedance, unless an acceptable demonstration is received in 30 days pursuant to Rule 440(9). [Rule 440(8)]</p> <p>District sends Violation Notice**</p>
Staff	<p>4. District receives demonstration that contamination has not been caused by the landfill within 30 days from the determination of a statistical exceedance. [Rule 440(9)]</p> <p>District sends a letter to facility to notify them that the demonstration is or is not acceptable.</p>
Staff	<p>5. Facility fails to submit an assessment-monitoring plan that is in compliance with Rule 441 and/or a response action plan that is in compliance with Rule 442 within 15 days from notice that the demonstration was not acceptable. [Rule 440(10)]</p> <p>District sends Violation Notice**</p>
Staff	<p>6. Facility does not begin assessment monitoring within 60 days from submittal of assessment plan. [Rule 441(2)]</p> <p>District sends Violation Notice**</p>
Staff	<p>7. Facility notifies District that Rule 450-452 and/or Appendix II constituents have been detected in the groundwater. [Rule 441(4)]</p>
Staff	<p>8. The Facility fails to place a notice in the landfill's operating record and/or to notify the Director within 14 days of obtaining the results from the initial or subsequent assessment monitoring sampling events. [Rule 441(4)]</p> <p>District sends Violation Notice**</p>
Staff	<p>9. The Facility notifies the District that constituent(s) are present in the groundwater above background values but below the groundwater protection criteria established pursuant to Rule 441(9). [Rule 441(6)]</p>

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Who	Does What
Staff	<p>10. Facility notifies the District that constituent(s) are above the groundwater protection criteria established pursuant to Rule 441(9). [Rule 441(7)]</p> <p>DISTRICT TO:</p> <ul style="list-style-type: none">a) Send Violation Notice ** (for Rule 436 EXCEEDANCE)b) Notify Solid Waste Section (SWS)c) Initiate Enforcement Referral Process
Staff	<p>11. Facility fails to place a notice in the operating record and/or has failed to notify the Director within 14 days from the determination that the groundwater protection criteria established pursuant to Rule 441(9) has been exceeded. [Rule 441(7)(a)(b)]</p> <p>District sends Violation Notice**</p>
Staff	<p>12. Facility fails to initiate assessment of corrective measures within 90 days of the determination that the groundwater protection criteria established pursuant to Rule 441(9) has been exceeded, unless a demonstration pursuant to Rule 441(9) has been submitted. [Rule 441(7)(g)]</p> <p>District sends Violation Notice**</p>
Staff	<p>13. District receives submittal of Remediation Response Activity Plan (RAP). [Rule 444(9)]</p> <p>DISTRICT TO:</p> <ul style="list-style-type: none">a) Follow RAP flowchart (attached)b) Notify SWS

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PROCEDURE FOR TYPE III LANDFILLS:

Who		Does What
Staff		1. District receives groundwater data indicating a statistical exceedance. [Rule 318(9)]
Staff		2. Facility fails to place a notice in the facility's files and/or has failed to notify the Director within 14 days from the determination of a statistical exceedance. [Rule 318(9)(a)] District sends Violation Notice**
Staff		3. Facility fails to submit a demonstration within 30 days from the determination of a statistical exceedance and/or a response action plan within 15 days of being notified that the demonstration was not acceptable. [Rule 318(9)(b)] District sends Violation Notice**
Staff		4. District receives a response action plan. District sends a letter (within 60 days) to facility to notify them that the response action plan is or is not acceptable. [Rule 319]
Staff		5. Facility notifies District that constituent(s) are above the background but below the criteria established pursuant to Section 20120a(1)(a) of Part 201 of the NREPA. [Rule 319(5)]
Staff		6. Facility notifies District that constituent(s) are above the criteria established pursuant to Section 20120a(1)(a) of Part 201 of the NREPA. [Rule 319(6)] DISTRICT TO: a) Send Violation Notice ** for Rule 306 EXCEEDANCE) b) Notify SWS c) Initiate Enforcement Referral Process
Staff		7. District receives submittal of RAP. [Rule 319(7)]

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Who	Does What
	DISTRICT TO: a) Follow RAP flowchart (attached) b) Notify SWS

**** Violation Notices should be sent within 30 days and if Violation Notice is not resolved see Office of Waste Management and Radiological Protection Procedure 115-9.**

ATTACHMENTS:

Flow charts:

Corrective Action Notifications and Required Actions for Part 115 Type II Landfills

Corrective Action Notifications and Required Actions for Part 115 Type III Landfills

OFFICE CHIEF APPROVAL:

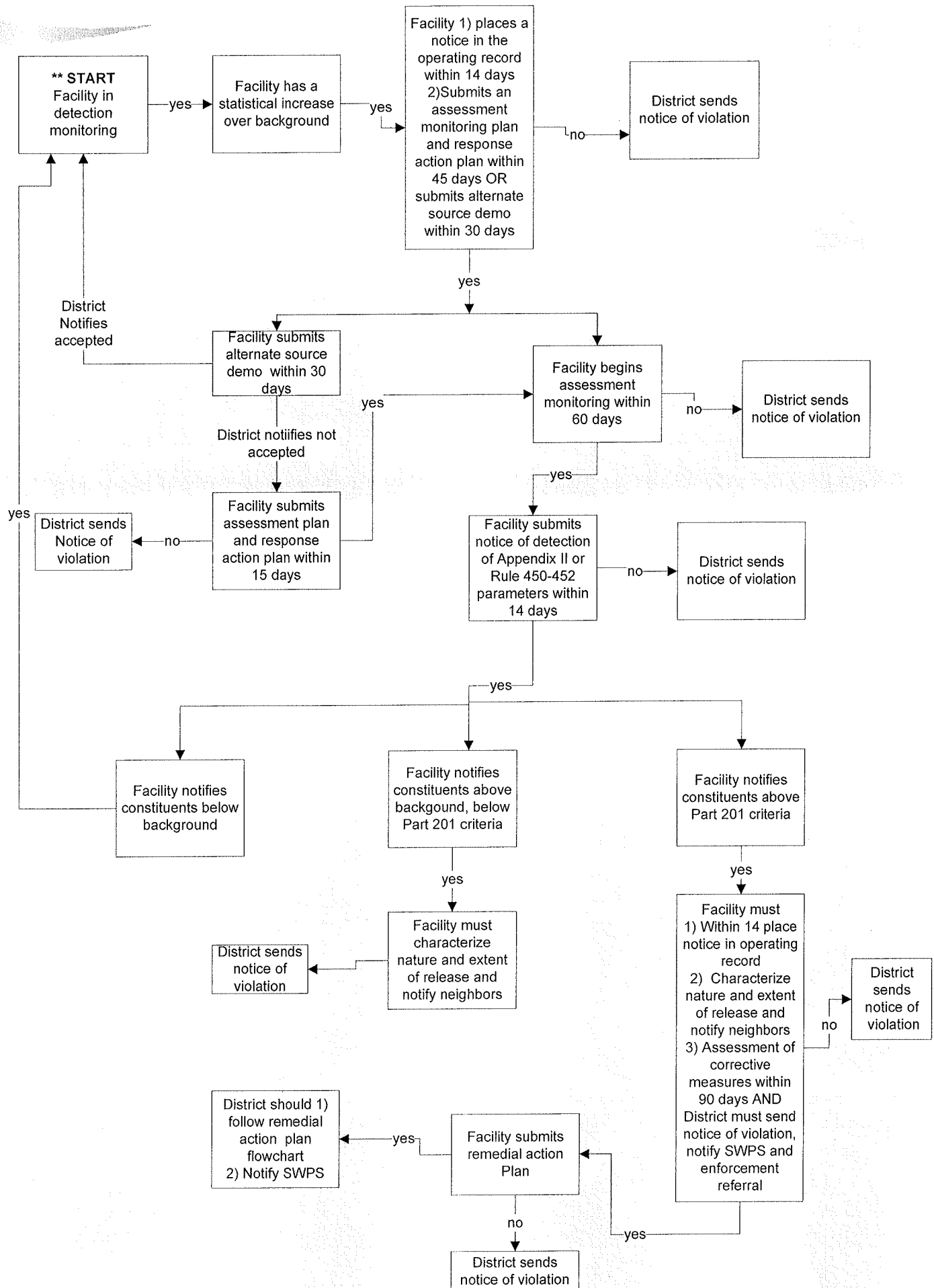


Elizabeth M. Browne, Chief

Office of Waste Management and Radiological Protection

November 2, 2012
Date

Corrective Action Notifications and Required Actions for Part 115 Type II Landfills



Corrective Action Notifications and Required Actions for Part 115 Type III Landfills

